

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Case No. 1:12-cv-00256-MR
[Criminal Case No. 1:05-cr-00251-MR-1]**

RICHARD KENNETH GALLOWAY,)
)
Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)
)

O R D E R

THIS MATTER is before the Court on a review of Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed pursuant to 28 U.S.C. § 2255.

The Court has conducted an initial screening of the § 2255 motion under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds that Petitioner is raising a claim for relief based on the Fourth Circuit's en banc opinion in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). However, Petitioner's § 2255 motion has never been signed under penalty of perjury as required by Rule 2(b)(5) of the Rules Governing § 2255 Proceedings. The Court will therefore provide Petitioner with 14 days from entry of this Order to submit a § 2255 motion that is properly

signed under penalty of perjury. Failure to comply with this Order will result in dismissal of this civil action and without further notice.

IT IS, THEREFORE, ORDERED that Petitioner shall submit a § 2255 motion that is signed under penalty of perjury. Failure to submit the properly completed form under penalty of perjury within 14 days from entry of this Order will result in dismissal of this civil action without further notice.

IT IS SO ORDERED.

Signed: March 6, 2014


Martin Reidinger
United States District Judge